

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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ANNE ABBOTT,	*	
on behalf of her minor child, R.A.,	*	
	*	No. 14-907V
Petitioner,	*	Special Master Christian J. Moran
	*	
v.	*	Filed: July 19, 2021
	*	
SECRETARY OF HEALTH	*	Stipulation; measles-mumps-rubella
AND HUMAN SERVICES,	*	("MMR") vaccine; encephalitis.
	*	
	*	
Respondent.	*	
* * * * *	*	

Andrew D. Downing, Van Cott & Talamante, PLLC, Phoenix, AZ, for Petitioner;  
Ida Nassar, United States Dep't of Justice, Washington, DC, for Respondent.

### UNPUBLISHED DECISION<sup>1</sup>

On July 13, 2021, the parties filed a joint stipulation concerning the petition for compensation filed by Anne Abbott on September 26, 2014. In the petition, petitioner alleged that the measles-mumps-rubella ("MMR") vaccine, which is contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. § 100.3(a), and which R.A. received on June 12, 2012, caused R.A. to suffer from encephalitis. Petitioner also notes that R.A. received a diphtheria-tetanus-acellular pertussis vaccine the same day. Petitioner further allege that R.A. suffered the residual effects of this injury for more than six months. Petitioner represent that there has been no prior award or settlement of a civil action for damages on R.A.'s behalf as a result of R.A.'s condition.

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<sup>1</sup> The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Respondent denies that the vaccines either caused R.A. to suffer from encephalitis or any other injury or her current condition.

Nevertheless, the parties agree to the joint stipulation, attached hereto. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- a. A lump sum payment of \$622,315.00, which amount represents compensation for first-year life care expenses (\$22,315.85) and combined lost future earnings and pain and suffering (\$600,000.00), in the form of a check payable to petitioner as guardian//conservator of the estate of R.A. for the benefit of R.A. No payments shall be made until petitioner provides respondent with documentation establishing that she has been appointed as guardian/conservator of R.A.'s estate;**
- b. A lump sum payment of \$33,092.64, which amount represents compensation for past unreimbursable expenses, in the form of a check payable to petitioner, Anne Abbott; and**
- c. An amount sufficient to purchase the annuity contract described in paragraph 10 of the stipulation, paid to the life insurance company from which the annuity will be purchased.**

**These amounts represent compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment according to this decision and the attached stipulation.<sup>2</sup>

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master